

FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO
Coletto Creek Power, LP

AUTHORIZING THE OPERATION OF
Coletto Creek Power Station
Electric Services

LOCATED AT
Goliad County, Texas
Latitude 28° 42' 49" Longitude 97° 12' 50"
Regulated Entity Number: RN100226919

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site, emission units and affected source listed in this permit. Operations of the site, emission units and affected source listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site, emission units and affected source authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site, emission units and affected source.

Permit No: O25 Issuance Date: _____

For the Commission

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General Terms and Conditions

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

In accordance with 30 TAC § 122.144(1), records of required monitoring data and support information required by this permit, or any applicable requirement codified in this permit, are required to be maintained for a period of five years from the date of the monitoring report, sample, or application unless a longer data retention period is specified in an applicable requirement. The five year record retention period supersedes any less stringent retention requirement that may be specified in a condition of a permit identified in the New Source Review Authorization attachment.

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit must include in the submittal a cover letter which identifies the following information: company name, TCEQ regulated entity number, air account number (if assigned), site name, area name (if applicable), and Air Permits Division permit number(s).

Special Terms and Conditions:

Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting

1. Permit holder shall comply with the following requirements:
 - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
 - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
 - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.
 - D. When a grouped citation, notated with a [G] in the Applicable Requirements Summary, contains multiple compliance options, the permit holder must keep records of when each compliance option was used.

- E. Emission units subject to 40 CFR Part 63, Subpart UUUUU as identified in the attached Applicable Requirements Summary table are subject to 30 TAC Chapter 113, Subchapter C, § 113.1300 which incorporates the 40 CFR Part 63 Subpart by reference.
- F. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 2 (Emissions Banking and Trading of Allowances) Requirements for an electric generating facility authorized under 30 TAC Chapter 116, Subchapter I:
 - (i) Title 30 TAC § 101.332 (relating to General Provisions)
 - (ii) Title 30 TAC § 101.333 (relating to Allocation of Allowances)
 - (iii) Title 30 TAC § 101.334 (relating to Allowance Deductions)
 - (iv) Title 30 TAC § 101.335 (relating to Allowance Banking and Trading)
 - (v) Title 30 TAC § 101.336 (relating to Emission Monitoring and Compliance Demonstration and Reporting)
 - (vi) The terms and conditions by which the emission limits are established to meet the quantity of allowances for the electric generating facility are applicable requirements of this permit
- G. For the purpose of generating discrete emission reduction credits through 30 TAC Chapter 101, Subchapter H, Division 4 (Discrete Emission Credit Banking and Trading), the permit holder shall comply with the following requirements:
 - (i) Title 30 TAC § 101.372 (relating to General Provisions)
 - (ii) Title 30 TAC § 101.373 (relating to Discrete Emission Reduction Credit Generation and Certification)
 - (iii) Title 30 TAC § 101.374 (relating to Mobile Discrete Emission Reduction Credit Generation and Certification)
 - (iv) Title 30 TAC § 101.378 (relating to Discrete Emission Credit Banking and Trading)
 - (v) The terms and conditions by which the emission limits are established to generate the discrete reduction credit are applicable requirements of this permit
- 2. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):
 - A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
 - B. Title 30 TAC § 101.3 (relating to Circumvention)
 - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
 - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ

- E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
 - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
 - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Start-up, and Shutdown Reporting and Recordkeeping Requirements)
 - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
 - I. Title 30 TAC § 101.222 (relating to Demonstrations)
 - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
3. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. Visible emissions from stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed after January 31, 1972 that are not listed in the Applicable Requirements Summary attachment for 30 TAC Chapter 111, Subchapter A, Division 1, shall not exceed 20% opacity averaged over a six-minute period. The permit holder shall comply with the following requirements for stationary vents at the site subject to this standard:
 - (i) Title 30 TAC § 111.111(a)(1)(B) (relating to Requirements for Specified Sources)
 - (ii) Title 30 TAC § 111.111(a)(1)(E)
 - (iii) Title 30 TAC § 111.111(a)(1)(F)(i), (ii), (iii), or (iv)
 - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(B), complying with 30 TAC § 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO_x, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that are not capable of producing visible emissions such as vents that emit only colorless VOCs; vents from non-fuming liquids; vents that provide passive ventilation, such as plumbing vents; or vent emissions from any other source that does not obstruct the transmission of light. Vents, as specified in the "Applicable Requirements Summary" attachment, that are subject to the emission limitation of 30 TAC § 111.111(a)(1)(B) are not subject to the following periodic monitoring requirements:
 - (1) An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
 - (2) For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than 3 months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to

the minimum required value does not constitute creation of an alternative fuel.

- (3) Records of all observations shall be maintained.
- (4) Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.
- (5) Compliance Certification:
 - (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(1) and (a)(1)(B).
 - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) as soon as practicable, but no later than 24 hours after observing visible emissions to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.
 - (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.

- B. For visible emissions from a building, enclosed facility, or other structure; the permit holder shall comply with the following requirements:

- (i) Title 30 TAC § 111.111(a)(7)(A) (relating to Requirements for Specified Sources)
- (ii) Title 30 TAC § 111.111(a)(7)(B)(i) or (ii)
- (iii) For a building containing an air emission source, enclosed facility, or other structure containing or associated with an air emission source subject to 30 TAC § 111.111(a)(7)(A), complying with 30 TAC § 111.111(a)(7)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO_x, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:
 - (1) An observation of visible emissions from a building containing an air emission source, enclosed facility, or other structure containing or associated with an air emission source which is required to comply with 30 TAC § 111.111(a)(7)(A) shall be conducted at least once during each calendar quarter unless the air emission source or enclosed facility is not operating for the entire quarter.
 - (2) Records of all observations shall be maintained.
 - (3) Visible emissions observations of air emission sources or enclosed facilities operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of air emission sources or enclosed facilities operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each emissions outlet in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each emissions outlet during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.
 - (4) Compliance Certification:
 - (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(7) and (a)(7)(A)
 - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(7)(B) as soon as practicable, but no later than 24 hours after observing visible emissions to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance

with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

- C. For visible emissions from all other sources not specified in 30 TAC § 111.111(a)(1), (4), or (7); the permit holder shall comply with the following requirements:
- (i) Title 30 TAC § 111.111(a)(8)(A) (relating to Requirements for Specified Sources)
 - (ii) Title 30 TAC § 111.111(a)(8)(B)(i) or (ii)
 - (iii) For a source subject to 30 TAC § 111.111(a)(8)(A), complying with 30 TAC § 111.111(a)(8)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO_x, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:
 - (1) An observation of visible emissions from a source which is required to comply with 30 TAC § 111.111(a)(8)(A) shall be conducted at least once during each calendar quarter unless the source is not operating for the entire quarter.
 - (2) Records of all observations shall be maintained.
 - (3) Visible emissions observations of sources operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of sources operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each source in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each source during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.
 - (4) Compliance Certification:
 - (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(8) and (a)(8)(A)
 - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test

specified in 30 TAC § 111.111(a)(8)(B) as soon as practicable, but no later than 24 hours after observing visible emissions to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

- D. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
 - E. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
 - F. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
 - (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
 - (ii) Sources with an effective stack height (h_e) less than the standard effective stack height (H_e), must reduce the allowable emission level by multiplying it by $[h_e/H_e]^2$ as required in 30 TAC § 111.151(b)
 - (iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)
 - G. Outdoor burning, as stated in 30 TAC § 111.201, shall not be authorized unless the following requirements are satisfied:
 - (i) Title 30 TAC § 111.205 (relating to Exception for Fire Training)
 - (ii) Title 30 TAC § 111.207 (relating to Exception for Recreation, Ceremony, Cooking, and Warmth)
 - (iii) Title 30 TAC § 111.209 (relating to Exception for Disposal Fires)
 - (iv) Title 30 TAC § 111.211 (relating to Exception for Prescribed Burn)
 - (v) Title 30 TAC § 111.219 (relating to General Requirements for Allowable Outdoor Burning)
 - (vi) Title 30 TAC § 111.221 (relating to Responsibility for Consequences of Outdoor Burning)
4. Permit holder shall comply with the following 30 TAC Chapter 115, Subchapter C requirements:
- A. When filling gasoline storage vessels with a nominal capacity greater than 1,000 gallons (Stage I) at motor vehicle fuel dispensing facilities, which have dispensed less than

100,000 gallons of gasoline in any calendar month after October 31, 2014, the permit holder shall comply with the following requirements specified in 30 TAC Chapter 115, Subchapter C:

- (i) Title 30 TAC § 115.222(3) (relating to Control Requirements), as it applies to liquid gasoline leaks, visible vapors, or significant odors
 - (ii) Title 30 TAC § 115.222(6) (relating to Control Requirements)
 - (iii) Title 30 TAC § 115.224(1) (relating to Inspection Requirements), as it applies to liquid gasoline leaks, visible vapors, or significant odors
 - (iv) Title 30 TAC § 115.226(2)(B) (relating to Recordkeeping Requirements)
5. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
- A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
 - B. Title 40 CFR § 60.8 (relating to Performance Tests)
 - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
 - D. Title 40 CFR § 60.12 (relating to Circumvention)
 - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
 - F. Title 40 CFR § 60.14 (relating to Modification)
 - G. Title 40 CFR § 60.15 (relating to Reconstruction)
 - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
6. The permit holder shall comply with the requirements of 30 TAC Chapter 113, Subchapter C, § 113.100 for units subject to any subpart of 40 CFR Part 63, unless otherwise stated in the applicable subpart.

Additional Monitoring Requirements

7. Unless otherwise specified, the permit holder shall comply with the compliance assurance monitoring requirements as specified in the attached "CAM Summary" upon issuance of the permit. In addition, the permit holder shall comply with the following:
- A. The permit holder shall comply with the terms and conditions contained in 30 TAC § 122.147 (General Terms and Conditions for Compliance Assurance Monitoring).
 - B. The permit holder shall report, consistent with the averaging time identified in the "CAM Summary," deviations as defined by the deviation limit in the "CAM Summary." Any monitoring data below a minimum limit or above a maximum limit, that is collected in accordance with the requirements specified in 40 CFR § 64.7(c), shall be reported as a deviation. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

- C. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "CAM Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances in order to avoid reporting deviations. All monitoring data shall be collected in accordance with the requirements specified in 40 CFR § 64.7(c).
 - D. The permit holder shall operate the monitoring, identified in the attached "CAM Summary," in accordance with the provisions of 40 CFR § 64.7.
 - E. The permit holder shall comply with the requirements of 40 CFR § 70.6(a)(3)(ii)(A) and 30 TAC § 122.144(1)(A)-(F) for documentation of all required inspections.
8. The permit holder shall comply with the periodic monitoring requirements as specified in the attached "Periodic Monitoring Summary" upon issuance of the permit. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permit holder shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "Periodic Monitoring Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances to avoid reporting deviations. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

New Source Review Authorization Requirements

9. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
- A. Are incorporated by reference into this permit as applicable requirements
 - B. Shall be located with this operating permit
 - C. Are not eligible for a permit shield
10. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.
11. The permit holder shall maintain records to demonstrate compliance with any emission limitation or standard that is specified in a permit by rule (PBR) or Standard Permit listed in the New Source Review Authorizations attachment. The records shall yield reliable data from the relevant time period that are representative of the emission unit's compliance with the PBR or Standard Permit. These records may include, but are not limited to, production capacity and throughput, hours of operation, safety data sheets (SDS), chemical composition of raw materials, speciation of air contaminant data, engineering calculations, maintenance records, fugitive data, performance tests, capture/control device efficiencies, direct pollutant monitoring (CEMS, COMS, or PEMS), or control device parametric monitoring. These records shall be made readily accessible and available as required by 30 TAC § 122.144. Any monitoring or recordkeeping data indicating

noncompliance with the PBR or Standard Permit shall be considered and reported as a deviation according to 30 TAC § 122.145 (Reporting Terms and Conditions).

12. The permit holder shall comply with the following requirements for Air Quality Standard Permits:
 - A. Registration requirements listed in 30 TAC § 116.611, unless otherwise provided for in an Air Quality Standard Permit
 - B. General Conditions listed in 30 TAC § 116.615, unless otherwise provided for in an Air Quality Standard Permit
 - C. Requirements of the non-rule Air Quality Standard Permit for Pollution Control Projects

Compliance Requirements

13. The permit holder shall certify compliance in accordance with 30 TAC § 122.146. The permit holder shall comply with 30 TAC § 122.146 using at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
14. Permit holder shall comply with the following 30 TAC Chapter 117 requirements:
 - A. The permit holder shall comply with the compliance schedule as required in 30 TAC § 117.9300 for electric utilities in East and Central Texas.
15. Use of Discrete Emission Credits to comply with the applicable requirements:
 - A. Unless otherwise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:
 - (i) Title 30 TAC Chapter 115
 - (ii) Title 30 TAC Chapter 117
 - (iii) If applicable, offsets for Title 30 TAC Chapter 116
 - (iv) Temporarily exceed state NSR permit allowables
 - B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:
 - (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
 - (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
 - (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
 - (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122

- (v) Title 30 TAC § 101.375 (relating to Emission Reductions Achieved Outside the United States)

Risk Management Plan

16. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the permit holder shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The permit holder shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

Protection of Stratospheric Ozone

17. Permit holders at a site subject to Title VI of the FCAA Amendments shall meet the following requirements for protection of stratospheric ozone:
- A. Any on site servicing, maintenance, and repair on refrigeration and nonmotor vehicle air-conditioning appliances using ozone-depleting refrigerants or non-exempt substitutes shall be conducted in accordance with 40 CFR Part 82, Subpart F. Permit holders shall ensure that repairs on or refrigerant removal from refrigeration and nonmotor vehicle air-conditioning appliances using ozone-depleting refrigerants are performed only by properly certified technicians using certified equipment. Records shall be maintained as required by 40 CFR Part 82, Subpart F.
 - B. Any on site servicing, maintenance, and repair of fleet vehicle air conditioning using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR Part 82, Subpart B. Permit holders shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using certified equipment. Records shall be maintained as required by 40 CFR Part 82, Subpart B.
 - C. The permit holder shall comply with 40 CFR Part 82, Subpart F related to the disposal requirements for appliances using Class I or Class II (ozone-depleting) substances or non-exempt substitutes as specified in 40 CFR §§ 82.150 - 82.166 and the applicable Part 82 Appendices.

Temporary Fuel Shortages (30 TAC § 112.15)

18. The permit holder shall comply with the following 30 TAC Chapter 112 requirements:
- A. Title 30 TAC § 112.15 (relating to Temporary Fuel Shortage Plan Filing Requirements)
 - B. Title 30 TAC § 112.16(a), (a)(1), and (a)(2)(B) - (C) (relating to Temporary Fuel Shortage Plan Operating Requirements)
 - C. Title 30 TAC § 112.17 (relating to Temporary Fuel Shortage Plan Notification Procedures)
 - D. Title 30 TAC § 112.18 (relating to Temporary Fuel Shortage Plan Reporting Requirements)

Permit Location

19. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

Permit Shield (30 TAC § 122.148)

20. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

Acid Rain Permit Requirements

21. For unit B-1 (identified in the Certificate of Representation as unit 1), located at the affected source identified by ORIS/Facility code 6178, the designated representative and the owner or operator, as applicable, shall comply with the following Acid Rain Permit requirements.

A. General Requirements

- (i) Under 30 TAC § 122.12(1) and 40 CFR Part 72, the Acid Rain Permit requirements contained here are a separable portion of the Federal Operating Permit (FOP) and have an independent public comment process which may be separate from, or combined with the FOP.
- (ii) The owner and operator shall comply with the requirements of 40 CFR Part 72 and 40 CFR Part 76. Any noncompliance with the Acid Rain Permit will be considered noncompliance with the FOP and may be subject to enforcement action.
- (iii) The owners and operators of the affected source shall operate the source and the unit in compliance with the requirements of this Acid Rain Permit and all other applicable State and federal requirements.
- (iv) The owners and operators of the affected source shall comply with the General Terms and Conditions of the FOP that incorporates this Acid Rain Permit.
- (v) The term for the Acid Rain permit shall commence with the issuance of the FOP that incorporates the Acid Rain permit and shall be run concurrent with the remainder of the term of the FOP. Renewal of the Acid Rain permit shall coincide with the renewal of the FOP that incorporates the Acid Rain permit and subsequent terms shall be no more than five years from the date of renewal of the FOP and run concurrent with the permit term of the FOP.

B. Monitoring Requirements

- (i) The owners and operators, and the designated representative, of the affected source and each affected unit at the source shall comply with the monitoring requirements contained 40 CFR Part 75.

- (ii) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 and any other credible evidence shall be used to determine compliance by the affected source with the acid rain emissions limitations and emissions reduction requirements for SO₂ and NO_x under the ARP.
- (iii) The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emission of other pollutants or other emissions characteristics at the unit under other applicable requirements of the FCAA Amendments (42 U.S.C. 7401, as amended November 15, 1990) and other terms and conditions of the operating permit for the source.

C. SO₂ emissions requirements

- (i) The owners and operators of each source and each affected unit at the source shall comply with the applicable acid rain emissions limitations for SO₂.
- (ii) As of the allowance transfer deadline the owners and operators of the affected source and each affected unit at the source shall hold, in the unit's compliance subaccount, allowances in an amount not less than the total annual emissions of SO₂ for the previous calendar year.
- (iii) Each ton of SO₂ emitted in excess of the acid rain emissions limitations for SO₂ shall constitute a separate violation of the FCAA amendments.
- (iv) An affected unit shall be subject to the requirements under (i) and (ii) of the SO₂ emissions requirements as follows:
 - (1) Starting January 1, 2000, an affected unit under 40 CFR § 72.6(a)(2); or
 - (2) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under 40 CFR § 72.6(a)(3).
- (v) Allowances shall be held in, deducted from, or transferred into or among Allowance Tracking System accounts in accordance with the requirements of the ARP.
- (vi) An allowance shall not be deducted, for compliance with the requirements of this permit, in a calendar year before the year for which the allowance was allocated.
- (vii) An allowance allocated by the EPA Administrator or under the ARP is a limited authorization to emit SO₂ in accordance with the ARP. No provision of the ARP, Acid Rain permit application, this Acid Rain Permit, or an exemption under 40 CFR §§ 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (viii) An allowance allocated by the EPA Administrator under the ARP does not constitute a property right.

D. NO_x Emission Requirements

- (i) The owners and operators of the source and each affected unit at the source shall comply with the applicable acid rain emissions limitations for NO_x under 40 CFR Part 76.

- (ii) Beginning on the effective date of the termination of the early election plan, but no later than January 1, 2008, the owners and operators shall comply with the Phase II NO_x standard emission limitation compliance plan for unit 1, under which each unit's annual average NO_x emission rate for each year, determined using the methods and procedures specified in 40 CFR Part 75, shall not exceed the applicable emission limitation of 0.40 lb/MMBtu for tangentially fired units under 40 CFR § 76.7(a)(1).

E. Excess emissions requirements for SO₂ and NO_x.

- (i) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
- (ii) If an affected source has excess emissions in any calendar year shall, as required by 40 CFR Part 77:
 - (1) Pay, without demand, the penalty required and pay, upon demand, the interest on that penalty.
 - (2) Comply with the terms of an approved offset plan.

F. Recordkeeping and Reporting Requirements

- (i) Unless otherwise provided, the owners and operators of the affected source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the EPA Administrator.
 - (1) The certificate of representation for the designated representative for the source and each affected unit and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR § 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping (rather than a five-year period cited in 30 TAC § 122.144), the 3-year period shall apply.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the ARP or relied upon for compliance certification.
 - (4) Copies of all documents used to complete an acid rain permit application and any other submission under the ARP or to demonstrate compliance with the requirements of the ARP.
- (ii) The designated representative of an affected source and each affected unit at the source shall submit the reports required under the ARP including those under 40 CFR Part 72, Subpart I and 40 CFR Part 75.

G. Liability

- (i) Any person who knowingly violates any requirement or prohibition of the ARP, a complete acid rain permit application, an acid rain permit, or a written exemption under 40 CFR §§ 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to FCAA § 113(c).
- (ii) Any person who knowingly makes a false, material statement in any record, submission, or report under the ARP shall be subject to criminal enforcement pursuant to FCAA § 113(c) and 18 U.S.C. 1001.
- (iii) No permit revision shall excuse any violation of the requirements of the ARP that occurs prior to the date that the revision takes effect.
- (iv) The affected source and each affected unit shall meet the requirements of the ARP contained in 40 CFR Parts 72 through 78.
- (v) Any provision of the ARP that applies to an affected source or the designated representative of an affected source shall also apply to the owners and operators of such source and of the affected units at the source.
- (vi) Any provision of the ARP that applies to an affected unit (including a provision applicable to the DR of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR § 72.44 (Phase II repowering extension plans) and 40 CFR § 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR Part 75 (including 40 CFR §§ 75.16, 75.17, and 75.18), the owners and operators and the DR of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the DR and that is located at a source of which they are not owners or operators or the DR.
- (vii) Each violation of a provision of 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or DR of such source or unit, shall be a separate violation of the FCAA Amendments.

H. Effect on other authorities. No provision of the ARP, an acid rain permit application, an acid rain permit, or an exemption under 40 CFR §§ 72.7 or 72.8 shall be construed as:

- (i) Except as expressly provided in Title IV of the FCAA Amendments, exempting or excluding the owners and operators and, to the extent applicable, the DR of an affected source or affected unit from compliance with any other provision of the FCAA Amendments, including the provisions of Title I of the FCAA Amendments relating to applicable National Ambient Air Quality Standards or State Implementation Plans.
- (ii) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the FCAA Amendments.
- (iii) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law.

- (iv) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
 - (v) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.
- I. The number of SO₂ allowances allocated by the EPA in 40 CFR Part 73 is enforceable only by the EPA Administrator.

Cross-State Air Pollution Rule (CSAPR) Trading Program Requirements

22. For unit B-1 (identified in the Certificate of Representation as unit 1), located at the site identified by Plant code/ORIS/Facility code 6178, the designated representative and the owner or operator, as applicable, shall comply with the following CSAPR requirements. Until approval of a Texas CSAPR SIP by EPA, the permit holder shall comply with the equivalent requirements of 40 CFR Part 97.

A. General Requirements

- (i) The owners and operators of the CSAPR NO_x and the CSAPR SO₂ source shall operate the source and the unit in compliance with the requirements of the applicable CSAPR Trading Programs and all other applicable State and federal requirements.
- (ii) The owners and operators of the CSAPR NO_x and the CSAPR SO₂ source shall comply with the requirements of 40 CFR Part 97, Subpart AAAAA for CSAPR NO_x Annual Trading Program, Subpart DDDDD for CSAPR SO₂ Group 2 Trading Program, Subpart EEEEE for CSAPR NO_x Ozone Season Group 2 Trading Program, and with the General Terms and Conditions of the Federal Operating Permit (FOP) that incorporates the CSAPR requirements.

B. Description of CSAPR Monitoring Provisions

- (i) The CSAPR subject unit(s), and the unit-specific monitoring provisions at this source, are identified in the following paragraph(s). These unit(s) are subject to the requirements for the CSAPR NO_x Annual Trading Program, CSAPR SO₂ Group 2 Trading Program, and CSAPR NO_x Ozone Season Group 2 Trading Program.
 - (1) For unit B-1, the owners and operators shall comply with the continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR Part 75, Subpart B and Subpart H for SO₂, NO_x, and heat input.
- (ii) The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR §§ 97.430 through 97.435 (CSAPR NO_x Annual Trading Program), §§ 97.730 through 97.735 (CSAPR SO₂ Group 2 Trading Program), and §§ 97.830 through 97.835 (CSAPR NO_x Ozone Season Group 2 Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable CSAPR trading programs.
- (iii) Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR §§ 75.53, 75.62 and 75.73, as applicable.

The monitoring plan for each unit is available at the EPA's website at <https://www.epa.gov/airmarkets/clean-air-markets-monitoring-plans-part-75-sources>.

- (iv) Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR Part 75, Subpart E and 40 CFR § 75.66 and § 97.435 (CSAPR NO_x Annual Trading Program), § 97.735 (CSAPR SO₂ Group 2 Trading Program), and/or § 97.835 (CSAPR NO_x Ozone Season Group 2 Trading Program). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.
- (v) Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR §§ 97.430 through 97.434 (CSAPR NO_x Annual Trading Program), §§ 97.730 through 97.734 (CSAPR SO₂ Group 2 Trading Program), and/or §§ 97.830 through 97.834 (CSAPR NO_x Ozone Season Group 2 Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR § 75.66 and § 97.435 (CSAPR NO_x Annual Trading Program), § 97.735 (CSAPR SO₂ Group 2 Trading Program), and/or § 97.835 (CSAPR NO_x Ozone Season Group 2 Trading Program). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.
- (vi) The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR §§ 97.430 through 97.434 (CSAPR NO_x Annual Trading Program), §§ 97.730 through 97.734 (CSAPR SO₂ Group 2 Trading Program), and §§ 97.830 through 97.834 (CSAPR NO_x Ozone Season Group 2 Trading Program), and therefore procedures for minor permit revisions, in accordance with 30 TAC § 122.217, may be used to add or change this unit's monitoring system description.

23. CSAPR NO_x Annual Trading Program Requirements (40 CFR § 97.406)

A. Designated representative requirements

- (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.413 through 97.418.

B. Emissions monitoring, reporting, and recordkeeping requirements

- (i) The owners and operators, and the designated representative, of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.431 (initial monitoring system certification and recertification procedures), § 97.432 (monitoring system out-of-control periods), § 97.433 (notifications concerning monitoring), § 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and § 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

- (ii) The emissions data determined in accordance with 40 CFR §§ 97.430 through 97.435 and any other credible evidence shall be used to calculate allocations of CSAPR NO_x Annual allowances under 40 CFR §§ 97.411(a)(2) and (b) and § 97.412 and to determine compliance with the CSAPR NO_x Annual emissions limitation and assurance provisions under paragraph C. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR §§ 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

C. NO_x emissions requirements

(i) CSAPR NO_x Annual emissions limitation

- (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall hold, in the source's compliance account, CSAPR NO_x Annual allowances available for deduction for such control period under 40 CFR § 97.424(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Annual units at the source.
- (2) If total NO_x emissions during a control period in a given year from the CSAPR NO_x Annual units at a CSAPR NO_x Annual source are in excess of the CSAPR NO_x Annual emissions limitation set forth in paragraph C.(i)(1) above, then:
 - (a) The owners and operators of the source and each CSAPR NO_x Annual unit at the source shall hold the CSAPR NO_x Annual allowances required for deduction under 40 CFR § 97.424(d); and
 - (b) The owners and operators of the source and each CSAPR NO_x Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart AAAAA and the Clean Air Act.

(ii) CSAPR NO_x Annual assurance provisions

- (1) If total NO_x emissions during a control period in a given year from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_x Annual allowances available for deduction for such control period under 40 CFR § 97.425(a) in an amount equal to two times the product (rounded to the nearest whole

number), as determined by the Administrator in accordance with 40 CFR § 97.425(b), of multiplying -

- (a) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and
 - (b) The amount by which total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state for such control period exceed the state assurance level.
 - (2) The owners and operators shall hold the CSAPR NO_x Annual allowances required under paragraph C.(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
 - (3) Total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the State during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the state NO_x Annual trading budget under 40 CFR § 97.410(a) and the state's variability limit under 40 CFR § 97.410(b).
 - (4) It shall not be a violation of 40 CFR Part 97, Subpart AAAAA or of the Clean Air Act if total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the State during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the state during a control period exceeds the common designated representative's assurance level.
 - (5) To the extent the owners and operators fail to hold CSAPR NO_x Annual allowances for a control period in a given year in accordance with paragraphs C.(ii)(1) through (3) above,
 - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (b) Each CSAPR NO_x Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs C.(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart AAAAA and the Clean Air Act.
- (iii) Compliance periods

- (1) A CSAPR NO_x Annual unit shall be subject to the requirements under paragraph C.(i) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.430(b) and for each control period thereafter.
 - (2) A CSAPR NO_x Annual unit shall be subject to the requirements under paragraph C.(ii) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.430(b) and for each control period thereafter.
- (iv) Vintage of allowances held for compliance
 - (1) A CSAPR NO_x Annual allowance held for compliance with the requirements under paragraph C.(i)(1) above for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated for such control period or a control period in a prior year.
 - (2) A CSAPR NO_x Annual allowance held for compliance with the requirements under paragraphs C.(i)(2)(a) and (ii)(1) through (3) above for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (v) Allowance Management System requirements. Each CSAPR NO_x Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart AAAAA.
- (vi) Limited authorization. A CSAPR NO_x Annual allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (1) Such authorization shall only be used in accordance with the CSAPR NO_x Annual Trading Program; and
 - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart AAAAA, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (vii) Property right. A CSAPR NO_x Annual allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_x Annual allowances in accordance with 40 CFR Part 97, Subpart AAAAA.
- (ii) This FOP incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR

Part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore, the Description of CSAPR Monitoring Provisions for CSAPR subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under 40 CFR § 97.416 for the designated representative for the source and each CSAPR NO_x Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR § 97.416 changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart AAAAA.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_x Annual Trading Program.
- (ii) The designated representative of a CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall make all submissions required under the CSAPR NO_x Annual Trading Program, except as provided in 40 CFR § 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.

F. Liability

- (i) Any provision of the CSAPR NO_x Annual Trading Program that applies to a CSAPR NO_x Annual source or the designated representative of a CSAPR NO_x Annual source shall also apply to the owners and operators of such source and of the CSAPR NO_x Annual units at the source.
- (ii) Any provision of the CSAPR NO_x Annual Trading Program that applies to a CSAPR NO_x Annual unit or the designated representative of a CSAPR NO_x Annual unit shall also apply to the owners and operators of such unit.

G. Effect on other authorities

- (i) No provision of the CSAPR NO_x Annual Trading Program or exemption under 40 CFR § 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_x Annual source or CSAPR NO_x Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

24. CSAPR SO₂ Group 2 Trading Program Requirements (40 CFR § 97.706)

A. Designated representative requirements

- (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.713 through 97.718.

B. Emissions monitoring, reporting, and recordkeeping requirements

- (i) The owners and operators, and the designated representative, of each CSAPR SO₂ Group 2 source and each CSAPR SO₂ Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.730 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.731 (initial monitoring system certification and recertification procedures), § 97.732 (monitoring system out-of-control periods), § 97.733 (notifications concerning monitoring), § 97.734 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and § 97.735 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (ii) The emissions data determined in accordance with 40 CFR § 97.730 through § 97.735 and any other credible evidence shall be used to calculate allocations of CSAPR SO₂ Group 2 allowances under 40 CFR §§ 97.711(a)(2) and (b) and § 97.712 and to determine compliance with the CSAPR SO₂ Group 2 emissions limitation and assurance provisions under paragraph C. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR §§ 97.730 through 97.735 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

C. SO₂ emissions requirements

- (i) CSAPR SO₂ Group 2 emissions limitation
 - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO₂ Group 2 source and each CSAPR SO₂ Group 2 unit at the source shall hold, in the source's compliance account, CSAPR SO₂ Group 2 allowances available for deduction for such control period under 40 CFR § 97.724(a) in an amount not less than the tons of total SO₂ emissions for such control period from all CSAPR SO₂ Group 2 units at the source.
 - (2) If total SO₂ emissions during a control period in a given year from the CSAPR SO₂ Group 2 units at a CSAPR SO₂ Group 2 source are in

excess of the CSAPR SO₂ Group 2 emissions limitation set forth in paragraph C.(i)(1) above, then:

- (a) The owners and operators of the source and each CSAPR SO₂ Group 2 unit at the source shall hold the CSAPR SO₂ Group 2 allowances required for deduction under 40 CFR § 97.724(d); and
- (b) The owners and operators of the source and each CSAPR SO₂ Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart DDDDD and the Clean Air Act.

(ii) CSAPR SO₂ Group 2 assurance provisions

- (1) If total SO₂ emissions during a control period in a given year from all CSAPR SO₂ Group 2 units at CSAPR SO₂ Group 2 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO₂ emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO₂ Group 2 allowances available for deduction for such control period under 40 CFR § 97.725(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR § 97.725(b), of multiplying -
 - (a) The quotient of the amount by which the common designated representative's share of such SO₂ emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such SO₂ emissions exceeds the respective common designated representative's assurance level; and
 - (b) The amount by which total SO₂ emissions from all CSAPR SO₂ Group 2 units at CSAPR SO₂ Group 2 sources in the state for such control period exceed the state assurance level.
- (2) The owners and operators shall hold the CSAPR SO₂ Group 2 allowances required under paragraph C.(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (3) Total SO₂ emissions from all CSAPR SO₂ Group 2 units at CSAPR SO₂ Group 2 sources in the state during a control period in a given year exceed the state assurance level if such total SO₂ emissions exceed the

sum, for such control period, of the state SO₂ Group 2 trading budget under 40 CFR § 97.710(a) and the state's variability limit under 40 CFR § 97.710(b).

- (4) It shall not be a violation of 40 CFR Part 97, Subpart DDDDD or of the Clean Air Act if total SO₂ emissions from all CSAPR SO₂ Group 2 units at CSAPR SO₂ Group 2 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total SO₂ emissions from the CSAPR SO₂ Group 2 units at CSAPR SO₂ Group 2 sources in the state during a control period exceeds the common designated representative's assurance level.
- (5) To the extent the owners and operators fail to hold CSAPR SO₂ Group 2 allowances for a control period in a given year in accordance with paragraphs C.(ii)(1) through (3) above,
 - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (b) Each CSAPR SO₂ Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs C.(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart DDDDD and the Clean Air Act.

(iii) Compliance periods

- (1) A CSAPR SO₂ Group 2 unit shall be subject to the requirements under paragraph C.(i) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.730(b) and for each control period thereafter.
- (2) A CSAPR SO₂ Group 2 unit shall be subject to the requirements under paragraph C.(ii) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.730(b) and for each control period thereafter.

(iv) Vintage of allowances held for compliance

- (1) A CSAPR SO₂ Group 2 allowance held for compliance with the requirements under paragraph C.(i)(1) above for a control period in a given year must be a CSAPR SO₂ Group 2 allowance that was allocated for such control period or a control period in a prior year.
- (2) A CSAPR SO₂ Group 2 allowance held for compliance with the requirements under paragraphs C.(i)(2)(a) and (ii)(1) through (3) above for a control period in a given year must be a CSAPR SO₂ Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.

(v) Allowance Management System requirements. Each CSAPR SO₂ Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between

Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart DDDDD.

- (vi) Limited authorization. A CSAPR SO₂ Group 2 allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (1) Such authorization shall only be used in accordance with the CSAPR SO₂ Group 2 Trading Program; and
 - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart DDDDD, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (vii) Property right. A CSAPR SO₂ Group 2 allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of CSAPR SO₂ Group 2 allowances in accordance with 40 CFR Part 97, Subpart DDDDD.
- (ii) This FOP incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.730 through 97.735, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore the Description of CSAPR Monitoring Provisions for CSAPR subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each CSAPR SO₂ Group 2 source and each CSAPR SO₂ Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under 40 CFR § 97.716 for the designated representative for the source and each CSAPR SO₂ Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR § 97.716 changing the designated representative.

- (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart DDDDD.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO₂ Group 2 Trading Program.
 - (ii) The designated representative of a CSAPR SO₂ Group 2 source and each CSAPR SO₂ Group 2 unit at the source shall make all submissions required under the CSAPR SO₂ Group 2 Trading Program, except as provided in 40 CFR § 97.718. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.
 - F. Liability
 - (i) Any provision of the CSAPR SO₂ Group 2 Trading Program that applies to a CSAPR SO₂ Group 2 source or the designated representative of a CSAPR SO₂ Group 2 source shall also apply to the owners and operators of such source and of the CSAPR SO₂ Group 2 units at the source.
 - (ii) Any provision of the CSAPR SO₂ Group 2 Trading Program that applies to a CSAPR SO₂ Group 2 unit or the designated representative of a CSAPR SO₂ Group 2 unit shall also apply to the owners and operators of such unit.
 - G. Effect on other authorities
 - (i) No provision of the CSAPR SO₂ Group 2 Trading Program or exemption under 40 CFR § 97.705 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO₂ Group 2 source or CSAPR SO₂ Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
25. CSAPR NO_x Ozone Season Group 2 Trading Program Requirements (40 CFR § 97.806)
- A. Designated representative requirements
 - (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.813 through 97.818.
 - B. Emissions monitoring, reporting, and recordkeeping requirements
 - (i) The owners and operators, and the designated representative, of each CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.830 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.831 (initial monitoring system certification and recertification procedures), § 97.832 (monitoring system out-of-control periods), § 97.833 (notifications concerning monitoring), § 97.834 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and §

97.835 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

- (ii) The emissions data determined in accordance with 40 CFR § 97.830 through § 97.835 and any other credible evidence shall be used to calculate allocations of CSAPR NO_x Ozone Season Group 2 allowances under 40 CFR §§ 97.811 (a)(2) and (b) and § 97.812 and to determine compliance with the CSAPR NO_x Ozone Season Group 2 emissions limitation and assurance provisions under paragraph C. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR §§ 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

C. NO_x emissions requirements

(i) CSAPR NO_x Ozone Season Group 2 emissions limitation

- (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO_x Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR § 97.824 (a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Ozone Season Group 2 units at the source.
- (2) If total NO_x emissions during a control period in a given year from the CSAPR NO_x Ozone Season Group 2 units at a CSAPR NO_x Ozone Season Group 2 source are in excess of the CSAPR NO_x Ozone Season Group 2 emissions limitation set forth in paragraph C.(i)(1) above, then:
 - (a) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall hold the CSAPR NO_x Ozone Season Group 2 allowances required for deduction under 40 CFR § 97.824 (d); and
 - (b) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEE and the Clean Air Act.

(ii) CSAPR NO_x Ozone Season Group 2 assurance provisions

- (1) If total NO_x emissions during a control period in a given year from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period

exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_x Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR § 97.825 (a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR § 97.825 (b), of multiplying -

- (a) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and
 - (b) The amount by which total NO_x emissions from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state for such control period exceed the state assurance level.
- (2) The owners and operators shall hold the CSAPR NO_x Ozone Season Group 2 allowances required under paragraph C.(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (3) Total NO_x emissions from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the state NO_x Ozone Season Group 2 trading budget under 40 CFR § 97.810 (a) and the state's variability limit under 40 CFR § 97.810 (b).
- (4) It shall not be a violation of 40 CFR Part 97, Subpart EEEEE or of the Clean Air Act if total NO_x emissions from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state during a control period exceeds the common designated representative's assurance level.
- (5) To the extent the owners and operators fail to hold CSAPR NO_x Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs C.(ii)(1) through (3) above,
 - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (b) Each CSAPR NO_x Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in

accordance with paragraphs C.(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEE and the Clean Air Act.

(iii) Compliance periods

- (1) A CSAPR NO_x Ozone Season Group 2 unit shall be subject to the requirements under paragraph C.(i) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.830 (b) and for each control period thereafter.
- (2) A CSAPR NO_x Ozone Season Group 2 unit shall be subject to the requirements under paragraph C.(ii) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.830 (b) and for each control period thereafter.

(iv) Vintage of allowances held for compliance

- (1) A CSAPR NO_x Ozone Season Group 2 allowance held for compliance with the requirements under paragraph C.(i)(1) above for a control period in a given year must be a CSAPR NO_x Ozone Season Group 2 allowance that was allocated for such control period or a control period in a prior year.
- (2) A CSAPR NO_x Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs C.(i)(2)(a) and (ii)(1) through (3) above for a control period in a given year must be a CSAPR NO_x Ozone Season Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.

(v) Allowance Management System requirements. Each CSAPR NO_x Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart EEEEE.

(vi) Limited authorization. A CSAPR NO_x Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:

- (1) Such authorization shall only be used in accordance with the CSAPR NO_x Ozone Season Group 2 Trading Program; and
- (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart EEEEE, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

(vii) Property right. A CSAPR NO_x Ozone Season Group 2 allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_x Ozone Season Group 2 allowances in accordance with 40 CFR Part 97, Subpart EEEEE.
- (ii) This FOP incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.830 through 97.835, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, subpart H), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore the Description of CSAPR Monitoring Provisions for CSAPR subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under 40 CFR § 97.816 for the designated representative for the source and each CSAPR NO_x Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR § 97.816 changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart EEEEE.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_x Ozone Season Group 2 Trading Program.
- (ii) The designated representative of a CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO_x Ozone Season Group 2 Trading Program, except as provided in 40 CFR § 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.

F. Liability

- (i) Any provision of the CSAPR NO_x Ozone Season Group 2 Trading Program that applies to a CSAPR NO_x Ozone Season Group 2 source or the designated representative of a CSAPR NO_x Ozone Season Group 2 source shall also apply

to the owners and operators of such source and of the CSAPR NO_x Ozone Season Group 2 units at the source.

- (ii) Any provision of the CSAPR NO_x Ozone Season Group 2 Trading Program that applies to a CSAPR NO_x Ozone Season Group 2 unit or the designated representative of a CSAPR NO_x Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

G. Effect on other authorities

- (i) No provision of the CSAPR NO_x Ozone Season Group 2 Trading Program or exemption under 40 CFR § 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_x Ozone Season Group 2 source or CSAPR NO_x Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

Attachments

Applicable Requirements Summary

Additional Monitoring Requirements

Permit Shield

New Source Review Authorization References

Applicable Requirements Summary

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Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.

Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
1	EMISSION POINTS/STATIONARY VENTS/PROCESS VENTS	N/A	R1111	30 TAC Chapter 111, Visible Emissions	No changing attributes.
B-1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	R1153	30 TAC Chapter 111, Nonagricultural Processes	No changing attributes.
B-1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	R200	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
B-1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	R73000-01	30 TAC Chapter 117, Subchapter E, Division 1	No changing attributes.
B-1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	60D-01	40 CFR Part 60, Subpart D	D-SERIES FUEL TYPE #1 = Solid fossil fuel.
B-1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	60D-02	40 CFR Part 60, Subpart D	D-SERIES FUEL TYPE #1 = Liquid fossil fuel.
B-1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	63UUUUU	40 CFR Part 63, Subpart UUUUU	No changing attributes.
COAL1	COAL PREPARATION PLANTS	N/A	60Y	40 CFR Part 60, Subpart Y	No changing attributes.
COAL2	COAL PREPARATION PLANTS	N/A	60Y	40 CFR Part 60, Subpart Y	No changing attributes.
COAL3	COAL PREPARATION PLANTS	N/A	60Y	40 CFR Part 60, Subpart Y	No changing attributes.
COAL4	COAL PREPARATION	N/A	60Y	40 CFR Part 60, Subpart Y	No changing attributes.

Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
	PLANTS				

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
1	EP	R1111	Opacity	30 TAC Chapter 111, Visible Emissions	§ 111.111(a)(1)(B) § 111.111(a)(1)(C) § 111.111(a)(1)(E)	Visible emissions from any stationary vent shall not exceed an opacity of 20% averaged over a six minute period for any source on which construction was begun after January 31, 1972.	§ 111.111(a)(1)(D) [G]§ 111.111(a)(1)(F)	§ 111.111(a)(1)(C) § 111.111(a)(1)(D)	None
B-1	EU	R1153	PM	30 TAC Chapter 111, Nonagricultural Processes	§ 111.153(b)	No person may cause, suffer, allow, or permit emissions of particulate matter from any solid fossil fuel-fired steam generator to exceed 0.3 pound of total suspended particulate per million Btu heat input, averaged over a two-hour period.	** See CAM Summary	None	None
B-1	EU	R200	SO ₂	30 TAC Chapter 112, Sulfur Compounds	§ 112.8(a)	Except as in §112.8(b), no person may cause, suffer, allow, or permit emissions of SO ₂ from solid fossil fuel-fired steam generators to exceed 3.0 lb/MMBtu heat input averaged over a 3-hour period.	§ 112.2(a) ** See Periodic Monitoring Summary	§ 112.2(c)	§ 112.2(b)
B-1	EU	R73000-01	NO _x	30 TAC Chapter 117, Subchapter E, Division 1	§ 117.3010(1)(A)(ii) § 117.3010 § 117.3010(1) § 117.3010(1)(A) § 117.3040(k) § 117.3040(l)	In accordance with the compliance schedule in §117.9300 of this title, the owner or operator of each coal-fired utility electric power boiler shall ensure that emissions of nitrogen	§ 117.3035(a) § 117.3035(a)(1) § 117.3035(a)(3) § 117.3035(c) § 117.3035(d) § 117.3040(a) § 117.3040(d) § 117.3040(d)(1)	§ 117.3045(a) [G]§ 117.3045(e)	§ 117.3035(b) § 117.3045(b) § 117.3045(b)(1) § 117.3045(b)(2) [G]§ 117.3045(c) [G]§ 117.3045(d) [G]§ 117.3054(a) § 117.3054(c)

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
						oxide (NOx) do not exceed 0.165 pounds per million British thermal unit (lb/MMBtu) heat input on an annual (calendar year) average.	[G]§ 117.3040(d)(2) § 117.3040(h) § 117.3040(h)(1)		§ 117.3056
B-1	EU	60D-01	PM	40 CFR Part 60, Subpart D	§ 60.42(a)(1)	On/after the §60.8 tests, no affected facility shall emit gases containing particulate matter in excess of 43 ng/J heat input (0.10 lb/MMBtu) derived from fossil fuel or fossil fuel and wood residue.	§ 60.46(a) § 60.46(b)(1) [G]§ 60.46(b)(2) [G]§ 60.46(d)(1) § 60.46(d)(2) [G]§ 60.46(d)(3) § 60.46(d)(6) § 60.46(d)(7) ** See CAM Summary	None	None
B-1	EU	60D-01	PM (Opacity)	40 CFR Part 60, Subpart D	§ 60.42(a)(2)	On/after the performance tests of §60.8, no affected facility shall emit gases exhibiting greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.	§ 60.45(a) § 60.45(c) § 60.45(c)(3) § 60.45(g) § 60.45(g)(1) § 60.46(a) § 60.46(b)(3) ** See CAM Summary	None	§ 60.45(g)
B-1	EU	60D-01	SO ₂	40 CFR Part 60, Subpart D	§ 60.43(a)(2)	On/after the §60.8 tests, no affected facility shall emit gases containing SO ₂ in excess of 520 ng/J heat input (1.2 lb/MMBtu) derived from solid fossil fuel or solid fossil fuel and wood residue.	§ 60.45(a) § 60.45(c) § 60.45(c)(1) § 60.45(c)(2) § 60.45(c)(3) § 60.45(c)(3)(i) § 60.45(c)(3)(ii) [G]§ 60.45(e) [G]§ 60.45(f) § 60.45(g) § 60.45(g)(2)(i) § 60.46(a)	None	§ 60.45(g)

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
							§ 60.46(b)(1) [G]§ 60.46(b)(4) [G]§ 60.46(d)(1) [G]§ 60.46(d)(3) § 60.46(d)(4) § 60.46(d)(6) § 60.46(d)(7)		
B-1	EU	60D-01	NO _x	40 CFR Part 60, Subpart D	§ 60.44(a)(3)	On/after the §60.8 tests, no affected facility shall emit gases containing NO _x , expressed as NO ₂ , in excess of 300 ng/J heat input (0.7 lb/MMBtu) derived from the specified fuels.	§ 60.45(b)(3) § 60.45(b)(4) § 60.46(a) § 60.46(b)(1) [G]§ 60.46(b)(5) [G]§ 60.46(d)(1) § 60.46(d)(5) § 60.46(d)(6) § 60.46(d)(7) ** See Periodic Monitoring Summary	None	None
B-1	EU	60D-02	PM	40 CFR Part 60, Subpart D	§ 60.42(a)(1)	On/after the §60.8 tests, no affected facility shall emit gases containing particulate matter in excess of 43 ng/J heat input (0.10 lb/MMBtu) derived from fossil fuel or fossil fuel and wood residue.	§ 60.46(a) § 60.46(b)(1) [G]§ 60.46(b)(2) [G]§ 60.46(d)(1) § 60.46(d)(2) [G]§ 60.46(d)(3) § 60.46(d)(6) § 60.46(d)(7) ** See CAM Summary	None	None
B-1	EU	60D-02	PM (Opacity)	40 CFR Part 60, Subpart D	§ 60.42(a)(2)	On/after the performance tests of §60.8, no affected facility shall emit gases exhibiting greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.	§ 60.45(a) § 60.45(c) § 60.45(c)(3) § 60.45(g) § 60.45(g)(1) § 60.46(a) § 60.46(b)(3) ** See CAM Summary	None	§ 60.45(g)

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
B-1	EU	60D-02	SO ₂	40 CFR Part 60, Subpart D	§ 60.43(a)(1)	On/after the §60.8 tests, no affected facility shall emit gases containing SO ₂ in excess of 340 ng/J heat input (0.80 lb/MMBtu) derived from liquid fossil fuel or liquid fossil fuel and wood residue.	§ 60.45(a) § 60.45(c) § 60.45(c)(1) § 60.45(c)(2) § 60.45(c)(3) § 60.45(c)(3)(i) § 60.45(c)(3)(ii) [G]§ 60.45(e) [G]§ 60.45(f) § 60.45(g) § 60.45(g)(2)(i) § 60.46(a) § 60.46(b)(1) [G]§ 60.46(b)(4) [G]§ 60.46(d)(1) [G]§ 60.46(d)(3) § 60.46(d)(4) § 60.46(d)(6) § 60.46(d)(7)	None	§ 60.45(g)
B-1	EU	60D-02	NO _x	40 CFR Part 60, Subpart D	§ 60.44(a)(2)	On/after the §60.8 tests, no affected facility shall emit gases containing NO _x , expressed as NO ₂ , in excess of 129 ng/J heat input (0.3 lb/MMBtu) derived from the specified fuels.	§ 60.45(b)(3) § 60.45(b)(4) § 60.46(a) § 60.46(b)(1) [G]§ 60.46(b)(5) [G]§ 60.46(d)(1) § 60.46(d)(5) § 60.46(d)(6) § 60.46(d)(7) ** See Periodic Monitoring Summary	None	None
B-1	EU	63UUUUU	112(B) HAPS	40 CFR Part 63, Subpart UUUUU	§ 63.9981 The permit holder shall comply with the applicable limitation, standard and/or equipment specification requirements of 40	The permit holder shall comply with the applicable requirements of 40 CFR Part 63, Subpart UUUUU	The permit holder shall comply with the applicable monitoring and testing requirements of 40 CFR Part 63, Subpart UUUUU	The permit holder shall comply with the applicable recordkeeping requirements of 40 CFR Part 63, Subpart UUUUU	The permit holder shall comply with the applicable reporting requirements of 40 CFR Part 63, Subpart UUUUU

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
					CFR Part 63, Subpart UUUUU				
COAL1	EU	60Y	PM (Opacity)	40 CFR Part 60, Subpart Y	§ 60.254(a) § 60.257(a)	On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.	§ 60.255(a) § 60.257(a) [G]§ 60.257(a)(1) [G]§ 60.257(a)(3) ** See Periodic Monitoring Summary	None	None
COAL2	EU	60Y	PM (Opacity)	40 CFR Part 60, Subpart Y	§ 60.254(a) § 60.257(a)	On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and	§ 60.255(a) § 60.257(a) [G]§ 60.257(a)(1) [G]§ 60.257(a)(3) ** See Periodic Monitoring Summary	None	None

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
						conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.			
COAL3	EU	60Y	PM (Opacity)	40 CFR Part 60, Subpart Y	§ 60.254(a) § 60.257(a)	On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.	§ 60.255(a) § 60.257(a) [G]§ 60.257(a)(1) [G]§ 60.257(a)(3) ** See Periodic Monitoring Summary	None	None
COAL4	EU	60Y	PM (Opacity)	40 CFR Part 60, Subpart Y	§ 60.254(a) § 60.257(a)	On and after the date on which the	§ 60.255(a) § 60.257(a)	None	None

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
						performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.	[G]§ 60.257(a)(1) [G]§ 60.257(a)(3) ** See Periodic Monitoring Summary		

Additional Monitoring Requirements

Compliance Assurance Monitoring Summary	44
Periodic Monitoring Summary	49

CAM Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: FAB-FILTER	Control Device Type: Fabric Filter
Applicable Regulatory Requirement	
Name: 30 TAC Chapter 111, Nonagricultural Processes	SOP Index No.: R1153
Pollutant: PM	Main Standard: § 111.153(b)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: six times per minute	
Averaging Period: 2 hour block	
Deviation Limit: It shall be considered a deviation if the opacity exceeds 20% averaged over a 2 hour block period, except for one six-minute period per hour of not more than 27% opacity.	
<p>CAM Text: The continuous opacity monitoring system (COMS) shall be operated in accordance with 40 CFR 60.13 and Performance Specifications of 40 CFR Part 60.</p> <p>The COMS shall take six 10-second readings per minute and records a six-minute average opacity. The six-minute average values will then be averaged over a 2 hour block. The 2 hour block will start at the beginning of each clock hour of the day and end at the second clock hour (i.e. 0000-0200, 0200-0400, etc.).</p> <p>A valid 2 hour block shall consist of at least 9 of the 10 six minute readings for each of the two hours (90%) that the boiler is in operation. Monitoring data shall not be included in the two-hour block average during periods of monitoring malfunctions, associated repairs, and required quality assurance or control activities, as specified in 40 CFR 64.7(c).</p> <p>For each valid 2 hour block that does not include boiler startup, shutdown, maintenance, or malfunction activities, if the opacity exceeds 20% averaged over the 2 hour block period with the exception of one six-minute period per hour of not more than 27% opacity, it shall be considered and reported as a deviation.</p>	

CAM Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: FAB FILTER	Control Device Type: Fabric Filter
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart D	SOP Index No.: 60D-01
Pollutant: PM	Main Standard: § 60.42(a)(1)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: six times per minute	
Averaging Period: six-minute	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period, except for one six-minute period per hour of not more than 27% opacity.	
CAM Text: The COMS shall be operated in accordance with 40 CFR § 60.13.	

CAM Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: FAB-FILTER	Control Device Type: Fabric Filter
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart D	SOP Index No.: 60D-02
Pollutant: PM	Main Standard: § 60.42(a)(1)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: six times per minute	
Averaging Period: six-minute	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period, except for one six-minute period per hour of not more than 27% opacity.	
CAM Text: The COMS shall be operated in accordance with 40 CFR § 60.13.	

CAM Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: FAB-FILTER	Control Device Type: Fabric Filter
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart D	SOP Index No.: 60D-01
Pollutant: PM (Opacity)	Main Standard: § 60.42(a)(2)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: six times per minute	
Averaging Period: six-minute	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period, except for one six-minute period per hour of not more than 27% opacity.	
CAM Text: The COMS shall be operated in accordance with 40 CFR § 60.13.	

CAM Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: FAB-FILTER	Control Device Type: Fabric Filter
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart D	SOP Index No.: 60D-02
Pollutant: PM (Opacity)	Main Standard: § 60.42(a)(2)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: six times per minute	
Averaging Period: six-minute	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period, except for one six-minute period per hour of not more than 27% opacity.	
CAM Text: The COMS shall be operated in accordance with 40 CFR § 60.13.	

Periodic Monitoring Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: N/A	Control Device Type: N/A
Applicable Regulatory Requirement	
Name: 30 TAC Chapter 112, Sulfur Compounds	SOP Index No.: R200
Pollutant: SO ₂	Main Standard: § 112.8(a)
Monitoring Information	
Indicator: SO ₂ Mass Emission Rate in lbs/MMBtu	
Minimum Frequency: Four times per hour	
Averaging Period: Three hours	
Deviation Limit: It shall be considered a deviation if the emissions of SO ₂ exceed 3.0 lbs/MMBtu.	
<p>Periodic Monitoring Text: A continuous emission monitoring system (CEMS) that measures and records the mass emissions rate of sulfur dioxide expressed in pounds per million British thermal units in the exhaust stream of the boiler. The CEMS shall be operated in accordance with the monitoring requirements of 40 CFR § 60.13 and the Performance Specifications of 40 CFR Part 60, Appendix B. The maximum SO_x mass emission rate is the applicable or corresponding emission limit. Any monitoring data above the limit from the underlying applicable requirement shall be considered and reported as a deviation.</p>	

Periodic Monitoring Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: N/A	Control Device Type: N/A
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart D	SOP Index No.: 60D-02
Pollutant: NO _x	Main Standard: § 60.44(a)(2)
Monitoring Information	
Indicator: NO _x Concentration	
Minimum Frequency: Four times per hour	
Averaging Period: One hour	
Deviation Limit: NO _x emission rate greater than 0.30 lbs/MMbtu while burning liquid fossil fuel will be reported as a deviation.	
<p>Periodic Monitoring Text: Measure and record the concentration of nitrogen oxide in the exhaust stream with a continuous emission monitoring system (CEMS). In addition, monitor the oxygen or carbon dioxide content of the flue gas with a CEMS. The CEMS shall be operated in accordance with the monitoring requirements of 40 CFR § 60.13 and the performance specifications of 40 CFR Part 60, Appendix B.</p>	

Periodic Monitoring Summary

Unit/Group/Process Information	
ID No.: B-1	
Control Device ID No.: N/A	Control Device Type: N/A
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart D	SOP Index No.: 60D-01
Pollutant: NO _x	Main Standard: § 60.44(a)(3)
Monitoring Information	
Indicator: NO _x Concentration	
Minimum Frequency: Four times per hour	
Averaging Period: One hour	
Deviation Limit: NO _x emission rate greater than 0.70 lbs/mmBtu while burning solid fuel will be reported as a deviation.	
<p>Periodic Monitoring Text: Measure and record the concentration of nitrogen oxide in the exhaust stream with a continuous emission monitoring system (CEMS). In addition, monitor the oxygen or carbon dioxide content of the flue gas with a CEMS. The CEMS shall be operated in accordance with the monitoring requirements of 40 CFR § 60.13 and the performance specifications of 40 CFR Part 60, Appendix B.</p>	

Periodic Monitoring Summary

Unit/Group/Process Information	
ID No.: COAL1	
Control Device ID No.: N/A	Control Device Type: N/A
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart Y	SOP Index No.: 60Y
Pollutant: PM (Opacity)	Main Standard: § 60.254(a)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: Once per month	
Averaging Period: Six-minutes	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period.	
Periodic Monitoring Text: Opacity shall be monitored, by a certified observer, for at least one, six-minute period in accordance with Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, Test Method 9. Any opacity readings above the deviation limit shall be reported as a deviation.	

Periodic Monitoring Summary

Unit/Group/Process Information	
ID No.: COAL2	
Control Device ID No.: N/A	Control Device Type: N/A
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart Y	SOP Index No.: 60Y
Pollutant: PM (Opacity)	Main Standard: § 60.254(a)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: Once per month	
Averaging Period: Six-minutes	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period.	
Periodic Monitoring Text: Opacity shall be monitored, by a certified observer, for at least one, six-minute period in accordance with Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, Test Method 9. Any opacity readings above the deviation limit shall be reported as a deviation.	

Periodic Monitoring Summary

Unit/Group/Process Information	
ID No.: COAL3	
Control Device ID No.: N/A	Control Device Type: N/A
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart Y	SOP Index No.: 60Y
Pollutant: PM (Opacity)	Main Standard: § 60.254(a)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: Once per month	
Averaging Period: Six-minutes	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period.	
Periodic Monitoring Text: Opacity shall be monitored, by a certified observer, for at least one, six-minute period in accordance with Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, Test Method 9. Any opacity readings above the deviation limit shall be reported as a deviation.	

Periodic Monitoring Summary

Unit/Group/Process Information	
ID No.: COAL4	
Control Device ID No.: N/A	Control Device Type: N/A
Applicable Regulatory Requirement	
Name: 40 CFR Part 60, Subpart Y	SOP Index No.: 60Y
Pollutant: PM (Opacity)	Main Standard: § 60.254(a)
Monitoring Information	
Indicator: Opacity	
Minimum Frequency: Once per month	
Averaging Period: Six-minutes	
Deviation Limit: It shall be considered a deviation if the opacity is greater than 20% averaged over a six minute period.	
Periodic Monitoring Text: Opacity shall be monitored, by a certified observer, for at least one, six-minute period in accordance with Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, Test Method 9. Any opacity readings above the deviation limit shall be reported as a deviation.	

Permit Shield

Permit Shield 57

Permit Shield

The Executive Director of the TCEQ has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
B-1	N/A	40 CFR Part 63, Subpart DDDDD	This electric utility steam generating unit (EGU) is covered by MACT UUUUU.
COAL5	N/A	40 CFR Part 60, Subpart Y	Open storage pile.
DGEN-1	N/A	40 CFR Part 60, Subpart IIII	The stationary compression ignited ICE was constructed prior to and not modified/reconstructed after 07/11/2005.
DGEN-1	N/A	40 CFR Part 63, Subpart ZZZZ	Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.
FWP-1	N/A	40 CFR Part 60, Subpart IIII	The stationary compression ignited ICE was constructed prior to and not modified/reconstructed after 07/11/2005.
FWP-1	N/A	40 CFR Part 63, Subpart ZZZZ	Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

New Source Review Authorization References

New Source Review Authorization References	59
New Source Review Authorization References by Emission Unit	60

New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Prevention of Significant Deterioration (PSD) Permits	
PSD Permit No.: PSDTX9M1	Issuance Date: 02/13/2012
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.	
Authorization No.: 114970	Issuance Date: 12/10/2014
Authorization No.: 3687	Issuance Date: 02/13/2012
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number: 106.227	Version No./Date: 09/04/2000
Number: 106.263	Version No./Date: 11/01/2001
Number: 106.265	Version No./Date: 09/04/2000
Number: 106.371	Version No./Date: 09/04/2000
Number: 106.412	Version No./Date: 09/04/2000
Number: 106.433	Version No./Date: 09/04/2000
Number: 106.452	Version No./Date: 09/04/2000
Number: 106.454	Version No./Date: 11/01/2001
Number: 106.472	Version No./Date: 09/04/2000
Number: 106.473	Version No./Date: 09/04/2000
Number: 106.511	Version No./Date: 09/04/2000
Number: 106.532	Version No./Date: 09/04/2000

New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
1	UNIT 1 BOILER STACK	3687, PSDTX9M1
B-1	UNIT 1 BOILER	3687, PSDTX9M1
COAL1	TRUCK AND RAIL CAR UNLOADING	3687, PSDTX9M1
COAL2	COAL TRANSFER CONVEYORS	3687, PSDTX9M1
COAL3	STORAGE PILES AND CONVEYORS	3687, PSDTX9M1
COAL4	BOILER FEED CONVEYORS	3687, PSDTX9M1
COAL5	STORAGE PILES 6 AND 20	3687, PSDTX9M1
DGEN-1	DIESEL GENERATOR	106.511/09/04/2000
FWP-1	FIRE WATER PUMP	106.511/09/04/2000

Appendix A

Acronym List 62

Acronym List

The following abbreviations or acronyms may be used in this permit:

ACFM	actual cubic feet per minute
AMOC	alternate means of control
ARP	Acid Rain Program
ASTM	American Society of Testing and Materials
B/PA	Beaumont/Port Arthur (nonattainment area)
CAM	Compliance Assurance Monitoring
CD	control device
CEMS	continuous emissions monitoring system
CFR	Code of Federal Regulations
COMS	continuous opacity monitoring system
CVS	closed vent system
D/FW	Dallas/Fort Worth (nonattainment area)
EP	emission point
EPA	U.S. Environmental Protection Agency
EU	emission unit
FCAA Amendments	Federal Clean Air Act Amendments
FOP	federal operating permit
gr/100 scf	grains per 100 standard cubic feet
HAP	hazardous air pollutant
H/G/B	Houston/Galveston/Brazoria (nonattainment area)
H ₂ S	hydrogen sulfide
ID No.	identification number
lb/hr	pound(s) per hour
MACT	Maximum Achievable Control Technology (40 CFR Part 63)
MMBtu/hr	Million British thermal units per hour
NA	nonattainment
N/A	not applicable
NADB	National Allowance Data Base
NESHAP	National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61)
NO _x	nitrogen oxides
NSPS	New Source Performance Standard (40 CFR Part 60)
NSR	New Source Review
ORIS	Office of Regulatory Information Systems
Pb	lead
PBR	Permit By Rule
PEMS	predictive emissions monitoring system
PM	particulate matter
ppmv	parts per million by volume
PRO	process unit
PSD	prevention of significant deterioration
psia	pounds per square inch absolute
SIP	state implementation plan
SO ₂	sulfur dioxide
TCEQ	Texas Commission on Environmental Quality
TSP	total suspended particulate
TVP	true vapor pressure
U.S.C.	United States Code
VOC	volatile organic compound

Appendix B

Major NSR Summary Table 64

Major NSR Summary Table

Permit Number: NSR 3687 and PSDTX9M1				Issuance Date: 02/13/2012			
Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates (4)		Monitoring and Testing Requirements	Recordkeeping Requirements	Reporting Requirements
			lbs/hour	TPY (5)	Spec. Cond.	Spec. Cond.	Spec. Cond.
Unit 1	Unit 1 Boiler	NO _x	1150.05	5037.22	6, 19, 20	3, 19, 22, 23, 24, 27	19, 26
		CO	5053.25	11692.17	6, 20	3, 22, 23, 24, 27	26
		VOC	23.76	104.06	6	3, 22, 23, 24	26
		SO ₂	7597.00	33276.00	6, 19	3, 19, 22, 23, 24	19, 26
		PM/PM ₁₀	210.94	923.95	6	3, 22, 23, 24	26
		Hg	0.05	0.23	6	3, 22, 23, 24	26
Ash 0	Fly Ash Collectors	PM ₁₀ /PM _{2.5}	<0.01	0.023	11	22	26
Ash 1	Fly Ash Silo	PM ₁₀ /PM _{2.5}	0.027	0.045	11, 13	22	26
Ash 2	Fly Ash Loadout	PM ₁₀ /PM _{2.5}	0.044	0.045		22, 25	26
Load 1	Fuel Oil Storage Tank	VOC	0.38	1.70		22	26
MSSFUG-ILE	MSS Activities [Inherently Low Emitting ILE]	NO _x	0.012	<0.01	35	22, 34, 35	26
		CO	0.047	<0.01	35	22, 34, 35	26
		VOC	29.7	0.11	35	22, 34, 35	26
		SO ₂	<0.01	<0.01	35	22, 34, 35	26
		PM/PM ₁₀ /PM _{2.5}	8.09	2.24	35	22, 34, 35	26
MSSFUG	Non-ILE MSS Activities	PM/PM ₁₀ /PM _{2.5}	4.46	0.55	35	22, 34, 35	26
		VOC	26.3	0.065	35	22, 29, 34, 35	26
Coal 1	Truck and Railcar Unloading (6)	PM	0.24	0.10	7	22	26
Coal 2	Coal Transfer Conveyors (6)	PM	0.42	0.20	7	22	26

Major NSR Summary Table

Permit Number: NSR 3687 and PSDTX9M1				Issuance Date: 02/13/2012			
Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates (4)		Monitoring and Testing Requirements	Recordkeeping Requirements	Reporting Requirements
			lbs/hour	TPY (5)	Spec. Cond.	Spec. Cond.	Spec. Cond.
Coal 3	Storage Piles and Conveyors (6)	PM	0.48	0.30	7	22	26
Coal 4	Boiler Feed Conveyors (6)	PM	0.12	0.10	7	22	26
Coal 5	Storage Piles 6 and 20 (6)	PM	3.06	6.70	7	22	26

Footnotes:

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources, use area name or fugitive source name.
- (3) VOC
 - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
 - NO_x
 - total oxides of nitrogen
 - SO₂
 - sulfur dioxide
 - PM
 - total particulate matter, suspended in the atmosphere, including PM₁₀ and PM_{2.5}, as represented
 - PM₁₀
 - total particulate matter equal to or less than 10 microns in diameter, including PM_{2.5}, as represented
 - PM_{2.5}
 - particulate matter equal to or less than 2.5 microns in diameter
 - CO
 - carbon monoxide
 - Hg
 - mercury
- (4) The pounds per hour and tons per year emission rate limits for these units apply to normal operation of the units as well as MSS operations.
- (5) Compliance with annual emission limits (tons per year) is based on a 12 month rolling period.
- (6) Emission rate is an estimate and is enforceable through compliance with the applicable special condition(s) and permit application representations.

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 13, 2012

MR ROBERT STEVENS
PLANT MANAGER
COLETO CREEK POWER LP
PO BOX 8
FANNIN TX 77960-0008

Re: Permit Alteration
Permit Number: 3687
Revision of Special Conditions 12, 25, And 26
Fannin, Goliad County
Regulated Entity Number: RN100226919
Customer Reference Number: CN602809006
Account Number: GF-0002-R
Associated Permit Number: PSDTX9M1

Dear Mr. Stevens:

This is in response to your letter received January 19, 2012, requesting alteration of the conditions of the above-referenced permit. We understand the amended special conditions approved on December 29, 2011 incorrectly referenced three emission point numbers (EPNs) (Ash 0, Ash 1, and Ash 2) when referring to ash loading requirements. Only EPN Ash 2 should be listed in the permit conditions involving ash loading.

As indicated in Title 30 Texas Administrative Code § 116.116(c) [30 TAC § 116.116(c)], and based on our review, Permit Number 3687 is altered. Enclosed are the altered permit conditions to replace those currently attached to your permit. Please attach these to your permit.

Planned maintenance, startup, and shutdown emissions have been previously reviewed, authorized, and included in the MAERT. Any other maintenance activities are not authorized by this permit and will need to obtain a separate authorization.

As of July 1, 2008, all analytical data generated by a mobile or stationary laboratory in support of compliance with air permits must be obtained from a NELAC (National Environmental Laboratory Accreditation Conference) accredited laboratory under the Texas Laboratory Accreditation Program or meet one of several exemptions. Specific information concerning which laboratories must be accredited and which are exempt may be found in 30 TAC § 25.4 and § 25.6.

Mr. Robert Stevens
Page 2
February 13, 2012

Re: Permit Number: 3687

For additional information regarding the laboratory accreditation program and a list of accredited laboratories and their fields of accreditation, please see the following Web site:

www.tceq.texas.gov/compliance/compliance_support/qa/env_lab_accreditation.html

For questions regarding the accreditation program, you may contact the Texas Laboratory Accreditation Program at (512) 239-3754 or by e-mail at labprgms@tceq.texas.gov.

Your cooperation in this matter is appreciated. If you need further information or have any questions, please contact Mr. Sean O'Brien at (512) 239-1137 or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Wilson".

Michael Wilson, P.E., Director
Air Permits Division
Office of Air
Texas Commission on Environmental Quality

MPW/SO/so

Enclosure

cc: Air Section Manager, Region 14 - Corpus Christi
Air Permits Section Chief, New Source Review, Section (6PD-R), U.S. Environmental
Protection Agency, Region 6, Dallas

Project Number: 173654



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AIR QUALITY PERMIT



A PERMIT IS HEREBY ISSUED TO
Coletto Creek Power, L.P.
AUTHORIZING THE CONTINUED OPERATION OF
Coletto Creek Power Station

LOCATED AT Fannin, Goliad County, Texas
LATITUDE 28° 43' 10" LONGITUDE 097° 12' 55"

1. **Facilities** covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code § 116.116 (30 TAC § 116.116)]
2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the Texas Clean Air Act (TCAA), including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10 percent of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC § 116.120(a), (b) and (c)]
3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]
4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify to the Office of Permitting, Remediation, and Registration the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]
5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]
6. **Equivalency of Methods.** The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC § 116.115(b)(2)(D)]
7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction; comply with any additional recordkeeping requirements specified in special conditions attached to the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]
8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources--Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]
9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification for upsets and maintenance in accordance with §§ 101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC § 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]
11. This permit may be appealed pursuant to 30 TAC § 50.139.
12. This permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]
13. There may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]
14. **Emissions** from this facility must not cause or contribute to a condition of "air pollution" as defined in TCAA § 382.003(3) or violate TCAA § 382.085, as codified in the Texas Health and Safety Code. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.

PERMIT 3687and PSD-TX-9M1

Date: October 11, 2007

For the Commission

Special Conditions

Permit Numbers 3687 and PSDTX9M1

Emission Standards, Fuel Specifications, and Operating Requirements

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates Table," (MAERT) and those sources are limited emission limits shall be based on a 12-month rolling total rather than a calendar year.

If one emission rate limitation should be more stringent than another emission rate limitation, the more stringent limitation shall govern and be the standard by which compliance will be demonstrated.

2. Solid fuels fired in Unit 1 designated as Emission Point No. (EPN) Unit 1 are limited to coal, a blend of coals, or a blend of coals and petroleum coke that conform to the following specifications: **(12/11)**
 - a. Sulfur content less than or equal to 0.7 percent by weight;
 - b. Chlorine content less than or equal to 0.1 percent by weight;
 - c. Ash content less than or equal to 20.8 percent by weight;
 - d. Silica content of the ash less than or equal to 65 percent by weight; and
 - e. Total metals content less than or equal to 0.25 percent by weight. **(11/98)**

No. 2 fuel oil containing less than or equal to 0.5 percent sulfur by weight shall be an acceptable fuel for use during unit startup, shutdown, and flame stabilization. Use of any other fuel shall require a modification to this permit.

3. Solid fuel fed to Unit 1 shall not exceed 396 tons per hour. Compliance with this condition and the emission limits for Unit 1 in Special Condition No. 1 shall be demonstrated by documenting that boiler solid fuel consumption is below 396 tons per hour. **(9/07)**
4. Opacity of emissions from Unit 1 must not exceed 20 percent averaged over a six-minute period except for those periods described in Title 30 Texas Administrative Code § 111.111(a)(1)(E) [30 TAC ' 111.111(a)(1)(E)].
5. Emissions of carbon monoxide (CO) shall not exceed 400 parts per million by dry volume at 3 percent oxygen during normal, steady-state operation. During periods of startup, shutdown, or load transitions, emissions of CO shall not exceed the pounds per hour (lb/hr)

Special Conditions

Permit Numbers 3687 and PSDTX9M1

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emission rate on the MAERT. **(9/07)**

6. Upon request by the Executive Director of the Texas Commission on Environmental Quality (TCEQ) or any local air pollution control program having jurisdiction, the holder of this permit shall provide a sample and/or an analysis of the fuel(s) utilized in this facility or shall allow air pollution control agency representatives to obtain a sample for analysis. The holder of this permit shall also perform stack sampling and testing or perform volume sampling and testing as required.

Fugitive Dust Control Requirements

7. Opacity of fugitive emissions from these facilities under the fugitive dust emissions heading on the MAERT shall not exceed 10 percent averaged over a six-minute period as determined by the U.S. Environmental Protection Agency (EPA) Method 9.
8. The railcar dumper shall be equipped with a water spray used during all unloading operations.
9. The top and sides of all conveyor belts shall be covered. All conveyor belt transfer points shall be enclosed and equipped with a water or chemical spray except the final conveyor transfer point which is controlled by a baghouse. **(8/09)**
10. All solid fuel going to active piles shall be wetted with water or a chemical surfactant to minimize the emissions of fugitive dust. The inactive piles shall be compacted to minimize the emissions of fugitive dust. **(11/98)**
11. The plant fly ash silo shall be equipped with a fabric filter baghouse that achieves a 99.5 percent control efficiency. Opacity of emissions from the ash silo baghouse shall not exceed 5 percent averaged over a six-minute period as determined by EPA Method 9.
12. Compliance with the permitted emission limits for the Fly Ash Truck Loading Facility (EPN Ash 2) is based on a maximum hourly throughput of 300 tons per hour. **(2/12)**
13. A visible and/or audible warning device shall be installed and be fully functional on the plant fly ash silo to warn operators that the silo is full so that it will not be overloaded at any time. **(2/12)**
14. Any spillage of fly ash from the fly ash truck loading operations shall be immediately cleaned up and contained or dampened such that dust emissions from wind erosion and/or vehicle traffic are minimized.

Special Conditions

Permit Numbers 3687 and PSDTX9M1

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15. The beds of all trucks transporting fly ash shall be covered to prevent dust emissions from the material being transported.
16. All air pollution abatement equipment associated with solid fuels and ash handling shall be properly maintained and operated during facility operation. Cleaning and maintenance of the abatement equipment shall be performed as necessary so that the equipment efficiency can be adequately maintained. **(11/98)**
17. All hooding, duct, and collection systems shall be effective in capturing emissions and minimizing fugitive emissions from the coal and ash handling systems. The hooding and duct systems shall be maintained free of holes, cracks, and other conditions that would reduce the collection efficiency of the emission capture system.
18. If significant air pollution emissions and/or nuisance conditions occur from operation of the solid fuels or ash handling systems, additional controls may be required. **(11/98)**

Emissions Monitoring

19. The holder of this permit shall install, calibrate, and maintain a continuous emission monitoring system (CEMS) to measure and record the in-stack concentration of nitrogen oxides (NO_x) and sulfur dioxide and the opacity from Unit 1.
 - a. The CEMS shall meet the design and performance specifications, pass the field tests, and meet the installation requirements and the data analysis and reporting requirements specified in the applicable Performance Specifications No. 1 through 7, Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix B. If there are no applicable performance specifications in 40 CFR Part 60, Appendix B, contact the TCEQ Air Permits Division for requirements to be met.
 - b. The system shall be zeroed and spanned daily and corrective action taken when the 24-hour span drift exceeds two times the amounts specified in 40 CFR Part 60, Appendix B, or as specified by the TCEQ if not specified in Appendix B. Zero and span is not required on weekends and plant holidays if instrument technicians are not normally scheduled on those days, unless the monitor is required by a subpart of New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants, in which case zero and span shall be done daily without exception.

Each monitor shall be quality-assured at least quarterly in accordance with 40 CFR

Special Conditions

Permit Numbers 3687 and PSDTX9M1

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Part 60, Appendix F, Procedure 1, Section 5.1.2. For non-NSPS sources, an equivalent method approved by the TCEQ may be used.

All cylinder gas audit exceedances of ± 15 percent accuracy and any CEMS downtime shall be reported to the appropriate TCEQ Regional Director, and necessary corrective action shall be taken. Supplemental stack concentration measurements may be required at the discretion of the appropriate TCEQ Regional Director.

- c. The monitoring data shall be reduced to hourly average concentrations at least once every period. The individual average concentrations shall be reduced to units of the permit allowable emission rate in lb/hr at least once every month.
- d. All monitoring data and quality-assurance data shall be maintained by the source for a period of two years and shall be made available to the TCEQ Executive Director or his designated representative upon request.
- e. For NSPS sources subject to Appendix F, the appropriate TCEQ Regional Office shall be notified at least 30 days prior to each annual relative accuracy testing audit in order to provide them the opportunity to observe the testing.
- f. If the operational and maintenance requirements for 40 CFR Part 75 are satisfied for these monitors, the above requirements are considered to be met.

20. Carbon monoxide (CO) from Unit 1 shall be monitored: **(12/11)**

- a. With a portable analyzer (or 40 CFR Part 60, Appendix A reference method test apparatus) after manual combustion tuning or manual burner adjustments conducted for the purpose of minimizing NO_x emissions whenever, following such manual changes, either:
 - i. The NO_x emissions are sampled with a portable analyzer or 40 CFR Part 60, Appendix A reference method test apparatus; or
 - ii. The resulting NO_x emissions measured by CEMS or predicted by a parametric monitoring system are lower than levels for which CO emissions data was previously gathered.
- b. Using the test methods and procedures of 40 CFR Part 60 in conjunction with the annual relative accuracy test audit of the NO_x and diluent analyzer. **(1/07)**

Special Conditions

Permit Numbers 3687 and PSDTX9M1

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Recordkeeping and Reporting Requirements

21. A copy of the most recent version of this permit shall be kept at the plant site until its expiration.
22. Records required by this permit shall be made available upon request to representatives of the TCEQ, the U.S. EPA, or any local air pollution control program having jurisdiction. Records required by this permit shall be kept at the plant site on a five-year rolling retention basis from the date the data is obtained. **(12/11)**
23. Records of solid fuel feed to Unit 1 in tons per hour and tons per year shall be kept to demonstrate compliance with Special Condition Nos. 1 and 3.
24. A coal analyses for sulfur content and ash content obtained with every coal shipment shall be kept to demonstrate compliance with Special Condition No. 2. The extended coal analysis obtained from the mine which includes silica content, chlorine content, and total metals shall be kept to demonstrate compliance with Special Condition No. 2. A petroleum coke analysis obtained from the supplier shall be kept to demonstrate compliance with Special Condition No. 2. A biomass analysis of a representative sample shall be kept to demonstrate compliance with Special Condition No. 2. Should the composition of any one type of solid fuel exceed the requirements of Special Condition No. 2, an analysis of the worst-case blend of solid fuels fed to the boiler shall be used to determine compliance with Special Condition No. 2. A fuel oil analysis for sulfur content obtained with each fuel oil purchase shall be kept to demonstrate compliance with Special Condition No. 2. **(9/08)**
25. Records of fly ash loaded through EPN Ash 2 in tons per hour and tons per year shall be kept on a daily basis to demonstrate compliance with Special Condition Nos. 1 and 12. **(2/12)**
26. The holder of this permit shall report semiannually to the TCEQ Corpus Christi Regional Office all periods of excess emissions and CEMS downtime. Periods of excess emissions shall be defined as follows:
 - a. Any one-hour period when the particulate control device for Unit 1 is not operating or is malfunctioning such that the opacity limitations of Special Condition No. 4 are exceeded; **(1/07)**
 - b. Any one-hour period when the maximum coal feed to the boiler exceeds the limits of Special Condition No. 3 or the solid fuel composition exceeds the limits of Special Condition No. 2; **(11/98)**

Special Conditions

Permit Numbers 3687 and PSDTX9M1

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- c. Any one-hour period when the fly ash loaded through EPN Ash 2 exceeds the limits of Special Condition No. 12; **(2/12)**
 - d. Any one-hour period when fly ash is transported to the fly ash silo with the silo baghouse inoperative; or
 - e. Any one-hour period when emission rates exceed the emission rates listed in the attached MAERT.
27. Records shall be kept as necessary to demonstrate compliance with the requirements of Special Condition No. 20.

Maintenance, Startup, and Shutdown (MSS) (12/11)

28. This permit authorizes the emissions from the planned MSS activities listed in Attachment A, Attachment B, or the MAERT attached to this permit. Attachment A identifies the inherently low emitting (ILE) planned maintenance activities that this permit authorizes to be performed. Attachment B identifies the planned maintenance activities that are non-ILE planned maintenance activities that this permit authorizes to be performed.
29. When a planned maintenance activity identified in Attachment B is associated with a volatile organic compound (VOC) liquid storage facility and may result in VOC emissions from that facility, the permit holder shall not open that facility to the atmosphere in connection with the planned maintenance activity until the VOC liquids are removed from that facility to the maximum extent practicable.
30. No vacuum pump on a vacuum truck that is used to move solids (such as ash) during planned maintenance activities shall be operated unless the vacuum system exhaust is routed to a filtering system.
31. The emissions limit in Special Condition No. 5 does not apply during planned MSS activities.
32. The holder of this permit shall minimize emissions during planned MSS activities by operating the facility and associated air pollution control equipment in accordance with good air pollution control practices, safe operating practices, and protection of the facility.
33. Emissions during planned startup and shutdown activities will be minimized by limiting the duration of operation in planned startup and shutdown mode as follows:

Special Conditions

Permit Numbers 3687 and PSDTX9M1

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- a. A planned startup of the electric generating facility (EGF) with EPN Unit 1 is defined as the period that begins when the boiler first receives heat input after a no-fire condition, followed by transition through a partial firing condition, and ending with an operating condition where combined heat input to the boiler from all fuels is 3,500 million British thermal units per hour (MMBtu/hr). A planned startup for that EGF is limited to 30 hours. Extended startups longer than 30 hours are allowed provided the total hours of extended startup do not exceed 96 hours per year.
 - b. A planned shutdown of the EGF with EPN Unit 1 is defined as the period that begins with an operating condition where combined heat input to the boiler from all fuels is 3,500 MMBtu/hr, followed by decreased firing, and ending when heat input to the boiler has ceased. A planned shutdown for that EGF is limited to 30 hours.
- 34. Compliance with the emission limits for planned MSS activities identified in the MAERT attached to this permit may be demonstrated as follows:
 - a. For each pollutant emitted during ILE planned maintenance activities, the permit holder shall annually confirm the continued validity of the estimated potential to emit represented in the permit application for all ILE planned maintenance activities. The total emissions from all ILE planned maintenance activities (See Attachment A) shall be considered to be no more than the estimated potential to emit for those activities that are represented in the permit application.
 - b. For each pollutant emitted during non-ILE planned maintenance activities (See Attachment B) whose emissions are measured using a CEMS, as per Special Condition No. 35.a, the permit holder for each calendar month shall compare the pollutant's short-term (hourly) emissions during planned maintenance activities as measured by the CEMS to the applicable short-term planned MSS emissions limit in the MAERT.
 - c. For each pollutant emitted during non-ILE planned maintenance activities (See Attachment B) whose emissions occur through a stack, but are not measured using CEMS as per Special Condition No. 35.a, the permit holder for each calendar month shall determine the total emissions of the pollutant through the stack that result from such non-ILE planned maintenance activities in accordance with Special Condition No. 35.b.
 - d. For each pollutant emitted during non-ILE planned maintenance activities (See Attachment B) whose emissions do not occur through a stack, the permit holder shall do the following for each calendar month:

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- i. Determine the total emissions of the pollutant from such non-ILE planned maintenance activities in accordance with Special Condition No. 35.b; and
 - ii. Once monthly emissions have been determined in accordance with Special Condition No. 34.d.i for 12 months after the MSS permit amendment has been issued, the permit holder shall compare the sum of the rolling 12-month emissions for the pollutant for all non-ILE planned maintenance activities to the annual emissions limit for the pollutant in the MAERT.
- 35. The permit holder shall determine the emissions during planned MSS activities for use in Special Condition No. 34 as follows:
 - a. For each pollutant whose emissions during normal facility operations are measured with a CEMS that has been certified to measure the pollutant's emissions over the entire range of a planned MSS activity, the permit holder shall measure the emissions of the pollutant during the planned MSS activity using the CEMS.
 - b. For each pollutant not described in Special Condition No. 35.a, the permit holder shall calculate the pollutant's emissions during all occurrences of each type of planned MSS activity for each calendar month using the frequency of the planned MSS activity identified in work orders or equivalent records and the emissions of the pollutant during the planned MSS activity as represented in the planned MSS permit application. In lieu of using the emissions of the pollutant during the planned MSS activity as represented in the planned MSS permit application to calculate such emissions, the permit holder may determine the emissions of the pollutant during the planned MSS activity using an appropriate method, including but not limited to, any of the methods described in paragraphs 1 through 4 below, provided that the permit holder maintains appropriate records supporting such determination:
 - i. Use of emission factor(s), facility-specific parameter(s), and/or engineering knowledge of the facility's operations;
 - ii. Use of emissions data measured (by a CEMS or during emissions testing) during the same type of planned MSS activity occurring at or on a similar facility, and correlation of that data with the facility's relevant operating parameters, including, but not limited to, electric load, temperature, fuel input, and fuel sulfur content;
 - iii. Use of emissions testing data collected during a planned MSS activity occurring at or on the facility, and correlation of that data with the facility's relevant operating parameters, including, but not limited to, electric load, temperature, fuel input, and fuel sulfur content; or

Special Conditions

Permit Numbers 3687 and PSDTX9M1

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- iv. Use of PEMS data applicable to the facility.
36. With the exception of the emission limits in the MAERT attached to this permit, the permit conditions relating to planned MSS activities do not become effective until 180 days after issuance of the permit amendment that added such conditions.
37. The following table is a list of permits by rule (30 TAC Chapter 106) currently in use at the site for maintenance activities in addition to those authorized by this permit:

Permits by Rule	
30 TAC § 106.227	Soldering, Brazing, Welding
30 TAC § 106.263	Routine Maintenance, Startup and Shutdown of Facilities, and Temporary Maintenance Facilities
30 TAC § 106.265	Hand-held and Manually Operated Machines
30 TAC § 106.433	Surface Coat Facility
30 TAC § 106.452 (Registration No. 80936)	Dry Abrasive Cleaning
30 TAC § 106.454	Degreasing Units
30 TAC § 106.511	Portable and Emergency Engines and Turbines
30 TAC § 106.532	Water and Wastewater Treatment

Dated February 13, 2012

Attachment A

Permit Numbers 3687 and PSDTX9M1

Inherently Low Emitting Planned Maintenance Activities

Planned Maintenance Activity	Emissions				
	VOC	NO _x	CO	PM	SO ₂
Miscellaneous particulate filter maintenance ¹				x	
Small diesel tank/vessel maintenance [<0.5 psia vapor pressure (vp) and not requiring clearing for personnel entry]	x				
Lube oil reservoir/storage tank maintenance (<0.5 psia vp and not requiring clearing for personnel entry)	x				
Condensate or gasoline reservoir/storage tank maintenance (>0.5 psia vp and not requiring clearing for personnel entry)	x				
Management of sludge from pits, ponds, sumps, and water conveyances ²	x				
Inspection, repair, replacement, adjusting, testing, and calibration of analytical equipment, process instruments including sight glasses, meters, gauges, and CEMS.	x	x	x		x
Deslagging of boiler ³	x	x	x	x	
Miscellaneous material handling system maintenance ⁴				x	
Outdoor/unenclosed dry abrasive blasting (<1% silica in blasting media) meeting the following criteria: (i) > 1000 ft from the nearest property line, (ii) not more than one blasting nozzle in use at a time, and (iii) during outages only.				x	
Small equipment and fugitive component repair/replacement in VOC ⁵	x				

Dated December 29, 2011

Notes:

1. Includes, but is not limited to baghouse filters, ash silo/transfer filters, coal handling filters, and process-related building air filters.
2. Includes, but is not limited to, management by vacuum truck/dewatering of materials in open pits and ponds, and sumps, tanks and other closed or open vessels. Materials managed include water and sludge mixtures containing miscellaneous VOCs such as diesel, lube oil, and other waste oils.
3. Includes, but is not limited to explosive blasting, clinker shooting, and other boiler deslagging activities. Does not include dry abrasive blasting that may occur in boilers.
4. Material handling system equipment includes, but is not limited to, silos, transport systems, coal bunkers, coal crushing equipment, coal handling, nuvafeders, and hoppers. Materials handled include coal, ash, and sorbents.
5. Includes, but is not limited to, (i) repair/replacement of pumps, compressors, valves, pipes, flanges, transport lines, filters and screens in natural gas, fuel oil, diesel oil, lube oil, and gasoline service, and (ii) vehicle and mobile equipment maintenance that may involve small VOC emissions, such as oil changes, transmission service, and hydraulic system service.

Attachment B

Permit Numbers 3687 and PSDTX9M1

Non-Inherently Low Emitting Planned Maintenance Activities

Planned Maintenance Activity	EPN	Emissions				
		VOC	NO _x	CO	PM	SO ₂
Large diesel tank/vessel maintenance (<0.5 psia vp and requiring clearing for personnel entry)	MSSFUG	x				
Vacuum truck solids loading ¹	MSSFUG				x	
Vacuum truck solids unloading	MSSFUG				x	

Notes:

1. Includes site-wide solids vacuuming operations (e.g., baghouse, ducts, furnace, loop seals, stripper coolers, and airlocks).

Dated December 29, 2011

Emission Sources - Maximum Allowable Emission Rates

Permit Numbers 3687 and PSDTX9M1

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities, sources, and related activities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

Air Contaminants Data

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates (4)	
			lbs/hour	TPY (5)
Unit 1	Unit 1 Boiler	NO _x	1150.05	5037.22
		CO	5053.25	11692.17
		VOC	23.76	104.06
		SO ₂	7597.00	33276.00
		PM/PM ₁₀	210.94	923.95
		Hg	0.05	0.23
Ash 0	Fly Ash Collectors	PM ₁₀ /PM _{2.5}	<0.01	0.023
Ash 1	Fly Ash Silo	PM ₁₀ /PM _{2.5}	0.027	0.045
Ash 2	Fly Ash Loadout	PM ₁₀ /PM _{2.5}	0.044	0.045
Load 1	Fuel Oil Storage Tank	VOC	0.38	1.70
MSSFUG-ILE	MSS Activities [Inherently Low Emitting (ILE)]	NO _x	0.012	<0.01
		CO	0.047	<0.01
		VOC	29.7	0.11
		SO ₂	<0.01	<0.01
		PM/ PM ₁₀ /PM _{2.5}	8.09	2.24
MSSFUG	Non-ILE MSS Activities	PM/ PM ₁₀ /PM _{2.5}	4.46	0.55
		VOC	26.3	0.065
Coal 1	Truck and Railcar Unloading (6)	PM	0.24	0.10
Coal 2	Coal Transfer Conveyors (6)	PM	0.42	0.20
Coal 3	Storage Piles and Conveyors (6)	PM	0.48	0.30

Emission Sources - Maximum Allowable Emission Rates

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates (4)	
			lbs/hour	TPY (5)
Coal 4	Boiler Feed Conveyors (6)	PM	0.12	0.10
Coal 5	Storage Piles 6 and 20 (6)	PM	3.06	6.70

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources, use area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
- NO_x - total oxides of nitrogen
- SO₂ - sulfur dioxide
- PM - total particulate matter, suspended in the atmosphere, including PM₁₀ and PM_{2.5}, as represented
- PM₁₀ - total particulate matter equal to or less than 10 microns in diameter, including PM_{2.5}, as represented
- PM_{2.5} - particulate matter equal to or less than 2.5 microns in diameter
- CO - carbon monoxide
- Hg - mercury
- (4) The pounds per hour and tons per year emission rate limits for these units apply to normal operation of the units as well as MSS operations.
- (5) Compliance with annual emission limits (tons per year) is based on a 12 month rolling period.
- (6) Emission rate is an estimate and is enforceable through compliance with the applicable special condition(s) and permit application representations.

Date: December 29, 2011